

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

CARLOS ALVAREZ CHICAS, ALONSO  
VILLATORO, MISAEL ALEXANDER MARTINEZ  
CASTRO, ANGEL MARTINEZ, EDWIN ULLOA  
MOREIRA and MATEO UMAÑA individually and on  
behalf of all others similarly situated,

Plaintiffs,

-against-

KELCO CONSTRUCTION, INC., KELCO  
LANDSCAPING, INC., E.L.M. GENERAL  
CONSTRUCTION CORP. D/B/A KELLY'S CREW,  
JOHN KELLY and JOSEPH PROVENZANO,

Defendants.

Case No. 1:21-CV-09014  
(PAE)(SDA)

**DECLARATION OF JUNIOR BLANCO IN SUPPORT OF  
DEFENDANTS' OPPOSITION TO PLAINTIFFS' MOTION FOR  
CONDITIONAL CERTIFICATION PURSUANT TO 29 U.S.C. § 216(b)**

I, Junior Blanco, pursuant to 28 U.S.C. § 1746, declare as follows:

1. I submit this declaration in support of Defendants' Opposition to Plaintiffs' Motion for Conditional Certification pursuant to 29 U.S.C. § 216(b). I am personally familiar with the facts set forth below and submit this declaration based on my personal knowledge.
2. I am a resident of Brentwood, New York, in Long Island.
3. I currently work for ELM in the watering division. I have been working for ELM since approximately 2021.
4. My duties in the watering division include, but are not limited to, watering plants around multiple job sites throughout New York City.
5. I drive a company vehicle to get to the jobsites in New York City. I pick up the company vehicle at 25 Newton Place, Hauppauge, New York ("Hauppauge facility") and drove

one (1) more employee to their jobsites.

6. In the summer, I pick up the other employee at the Hauppauge facility around 2:00 a.m. or 3:00 a.m. due to the hotter weather during the season. Otherwise, I generally pick up the employee at the Hauppauge facility at around 4:30 a.m. Depending on the traffic, the average time it takes for me to drive back to the Hauppauge facility from the jobsite is two (2) to three (3) hours.

7. At times, when the employee I am picking up in the morning is late to arrive, I meet him at the Commack park-and-ride location and drive us to the jobsites.

8. I received drive time pay for all hours I spent driving at \$20.00 per hour.

9. I worked at jobsites throughout New York City, such as Hudson Yards (Manhattan), Union Square (Manhattan), Industry City (Brooklyn), and Cornell Tech (Roosevelt Island).

10. I work approximately six (6) to seven (7) days per week in the summer for approximately twelve (12) hours per day. I work from approximately 3:00 a.m. to 3:00 p.m. or longer in the summer.

11. I work approximately two (2) to three (3) days per week in the winter for approximately eight (8) hours per day.

12. ELM pays me approximately \$29.00 per hour for all hours worked, other than drive time.

13. Whenever I worked over forty (40) hours per week, ELM paid me an overtime hourly rate.

14. At the end of the day, I generally prepared materials needed for the next day in the company vehicle. I am paid for these work hours at the regular wage rate of \$29.00 per hour.

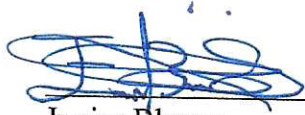
15. My primary language is Spanish. On January 25, 2023, Luis Lopez, CCI verbally

translated this declaration to me in Spanish. I fully understand the contents of this declaration in my primary language.

16. This declaration was prepared by counsel for Defendants in the action based on an interview in which I voluntarily participated. I was advised that I could end the interview at any time. I have also been told by counsel for the Defendants that I should sign this declaration if I want to and if everything within it is true and correct to the best of my knowledge, information, and belief. I have been given a full opportunity to review this declaration carefully and freely and make any corrections and additions of any kind.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Date: January 25, 2023

  
Junior Blanco